

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn A. Doucette-Stamm and David Bush
Application No.: 10/617,320 Group: 1631
Filed: July 10, 2003 Examiner: Zhou, Shubo
Confirmation No.: 8003
For: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING
TO *STREPTOCOCCUS PNEUMONIAE* FOR DIAGNOSTICS
AND THERAPEUTICS

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>12/9/04</u> Date	<u>Jennifer Warner</u> Signature
<u>Jennifer Warner</u> Typed or printed name of person signing certificate	

REQUEST FOR CHANGE OF DOCKET NUMBER
AND CORRECTED FILING RECEIPT

Customer Correction Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' Attorney requests that the docket number of record for the above-referenced case be changed to 3687.1000-004. This request is made to better identify this application within our offices.

In addition, please correct the Filing Receipt to include the following corrections:

Under "Domestic Priority data as claimed by applicant," please change "This application is a DIV of 09/107,433" to "This application is a CON of 09/107,433".

A copy of a Second Preliminary Amendment requesting an amendment to the specification to correct the priority information is being filed concurrently herewith and is attached to this request.

Further, please correct the Filing Receipt to include the Customer Number and Correspondence Address as filed in the Revocation of Powers of Attorney and Appointment of New Attorneys and/or Agents and Change of Correspondence Address on June 22, 2004, a copy of which is attached.

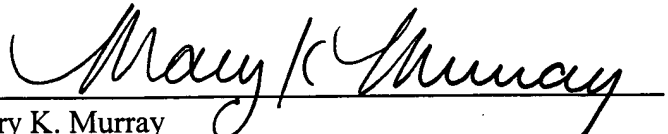
Enclosed are copies of the Filing Receipt with changes noted in red.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. Please provide a corrected Filing Receipt indicating the new attorney docket number, corrected priority information and change of correspondence and new customer number. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter. One additional copy of this document is enclosed for accounting purposes.

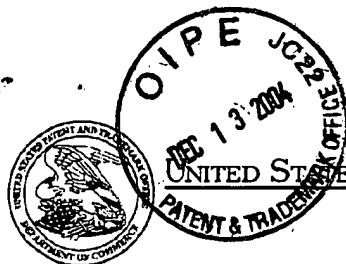
Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Mary K. Murray
Registration No. 47,813
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

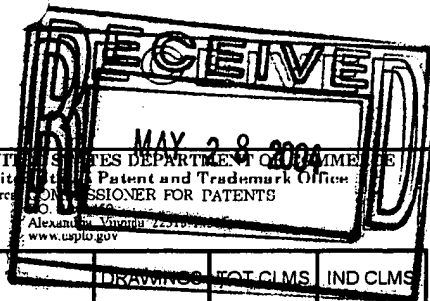
Concord, MA 01742-9133

Date: *December 9, 2004*



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
Alexandria, Virginia 22304
www.uspto.gov



APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	INT CLMS	IND CLMS
10/617,320	07/10/2003	1645	1398	3687.1000-004 -GT003-02		28	9

021005

Robert L. Spadafora Hamilton, Brook, Smith & Reynolds, P.C.

Genome Therapeutics Corporation 530 Virginia Road

100 Beaver Street

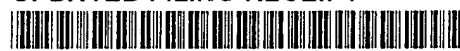
Waltham, MA 02453

P.O. Box 9133

Concord, Massachusetts 01742-9133

CONFIRMATION NO. 8003

UPDATED FILING RECEIPT



OC000000012782448

Date Mailed: 05/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Lynn A. Doucette-Stamm, Framingham, MA;
David Bush, Somerville, MA;

Domestic Priority data as claimed by applicant

This application is a ^{CON} DIV of 09/107,433 06/30/1998
which claims benefit of 60/051,553 07/02/1997
and claims benefit of 60/085,131 05/12/1998

Foreign Applications

If Required, Foreign Filing License Granted: 11/07/2003

Projected Publication Date: 09/02/2004

Non-Publication Request: No

Early Publication Request: No

Title

Nucleic acid and amino acid sequences relating to streptococcus pneumoniae for diagnostics and therapeutics

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

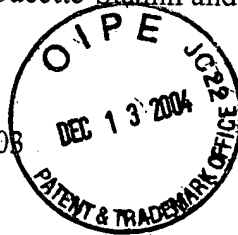
NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

Applicants: Lynn A. Doucette-Stamm and David Bush
Application No.: 10/617,320 Group: 1631
Filed: July 10, 2003 Examiner: Zhou, Shubo
Confirmation No.: 8003



For: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO
STREPTOCOCCUS PNEUMONIAE FOR DIAGNOSTICS AND
THERAPEUTICS

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<u>12/9/04</u>	<u>Jennifer Warner</u>
Date	Signature
<u>Jennifer Warner</u>	
Typed or printed name of person signing certificate	

SECOND PRELIMINARY AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the application as follows:

Amendments to the Specification

Please replace the paragraph at page 1, line 5 with the following amended paragraph:

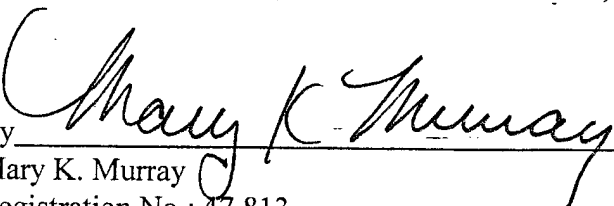
This application is a continuation ~~a divisional~~ of U.S. Application No.: 09/107,433, filed June 30, 1998, which claims priority of U.S. provisional applications 60/051,553, filed July 2, 1997; and ~~60/085131~~ 60/085,131 filed May 12, 1998, all of which are hereby incorporated herein by reference in their entirety.

REMARKS

The amendment to the specification is made to correctly identify the above-referenced application as a continuation application of U.S. Application No. 09/107,433, filed June 30, 1998, to which the above-referenced application claims priority. No new matter has been added. Entry is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Mary K. Murray

Registration No.: 47,813

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: *December 9, 2004*



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn A. Doucette-Stamm and David Bush
Application No.: 10/617,320 Group Art Unit: 1645
Filed: July 10, 2003 Examiner: Not Yet Assigned
Confirmation No.: 8003
Title: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO
STREPTOCOCCUS PNEUMONIAE FOR DIAGNOSTICS AND
THERAPEUTICS

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<u>6/12/04</u>	<u>[Signature]</u>
Date	Signature
<u>Jennifer Warner</u>	
Typed or printed name of person signing certificate	

REVOCATION OF POWERS OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEYS AND/OR AGENTS
AND CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Aventis Pasteur Ltd., a Corporation duly organized under the laws of Ontario, Canada, is the assignee of the entire right, title and interest in the above-identified application. Aventis Pasteur Ltd. hereby appoints the attorneys and/or agents associated with:

Customer No. 021005
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133

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10/617,320

-2-


COPY

to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

A Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Customer No. 021005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. Please direct all telephone calls to Doreen M. Hogle at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,
AVENTIS PASTEUR LTD.

By 
John E. Parrish

Title Corp. V. P. - Intellectual Property

Date 17 JUL 2004

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Docket No. GTC03-02 (3687.1000-004)

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventors: Lynn A. Doucette-Stamm and David Bush

Application No./Patent No.: 10/617,320 Filed/Issue Date: July 10, 2003

For: Nucleic Acid and Amino Acid Sequences Relating to *Streptococcus Pneumoniae* for Diagnostics and Therapeutics

Aventis Pasteur Ltd.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: Lynn A. Doucette-Stamm and David Bush To: Genome Therapeutics Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel 010210, Frame 0892-0899, or a copy thereof is attached.
2. From: Genome Therapeutics Corporation To: Aventis Pasteur Ltd.
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 17 June 2004

Name: John E. Parrish

Title: Corp. Mgr. - Intellectual Property

Signature: [Signature]

@PFDcstap\ODMA\MHODMA\HBSR05\JManage\476194\1

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ASSIGNMENT

COPY

WHEREAS, by virtue of Assignments recorded in the United States Patent and Trademark Office, Genome Therapeutics Corporation ("ASSIGNOR") of 100 Beaver Street, Waltham, Massachusetts 02453, is the owner of certain patent applications as follows:

Application No.	Filing Date	Reel/Frames
60/051,553	July 2, 1997	010210/0822-0828
60/085,131	May 12, 1998	010210/0480-0487
09/107,433	June 30, 1998	010210/0892-0899
09/583,110	May 26, 2000	011422/0548-0554
10/617,320	July 10, 2003	
10/640,833	August 14, 2003	

WHEREAS, Aventis Pasteur Ltd ("ASSIGNEE"), of 1755 Steeles Avenue West, Toronto, Ontario, Canada M2R 3T4, is desirous of acquiring from Genome Therapeutics Corporation an ownership right, title and interest in, to and under the Patent Applications listed on the Attachment, and the inventions therein described and claimed.

NOW, therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, Genome Therapeutics Corporation hereby sells, transfers and conveys its ownership right, title and interest in, to and under said Patent Applications referenced herein and the invention therein described and claimed to Aventis Pasteur Ltd to the full end of the term for which Letters Patent may be granted and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent when granted to Aventis Pasteur Ltd as the assignee of an ownership right, title and interest in, to and under the same.

ASSIGNOR further agrees that Assignor will, without demanding any further consideration therefor, at the request but at the expense of Assignee, do all lawful and just acts, including the execution and acknowledgment of instruments, that may be or become necessary for obtaining, sustaining, or reissuing said Letters Patent as may be granted from said Patent Application, and for maintaining and perfecting Assignee's right to said Letters Patent.

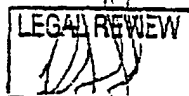
Genome Therapeutics Corporation

By 

Date 7/24/04

Date April 24, 2004

Attest 



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COPY

State/Commonwealth of Massachusetts

County of Middlesex

Then personally appeared before me the above-named Stephen Cohen and acknowledged that he is an officer of said corporation, that he executed the foregoing instrument on behalf of such corporation with authority to do so, and that signing of the instrument is the free act and deed of the corporation.

Dated this 24th day of April, 2004.

Carolyn A. Grasso Notary Public

(SEAL)

Carolyn A. Grasso (print name)

My Commission expires 4/15/2010

@IPFDesktop\ODMA\MHODMA\HBSR05\iManage\453932;1

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